BLOOD SPOTS AND HAIR FOUND ON DAY FOLLOWING DISCOVERY CRIME HAD BEEN COMMITTED

Pay Envelope Was Found Near Machine Used by Mary Phagan Some Days Later—Find of Strands of Hair on Lathe Was Reported to Quinn, Who Notified Darley—Mell Stanford and Magnolia Kennedy Also Saw It

BARRETT'S EVIDENCE MOST IMPORTANT YET TOWARD PROVING CRIME WAS COMMITTED IN METAL ROOM

Mell Stanford and Harry Scott Also Tell of Finding Blood Spots, but Scott's Testimony Is Not Entirely Satisfactory to Either State or Defense—Monteen Stover on the Stand. Will Conley Testify in Rebuttal Only?

New and sensational testimony for the state was given by R. P. Barrett, a machinist at the National Pencil factory where Mary Phagan was murdered on April 26, when Barrett Thursday afternoon declared from the witness stand that he had discovered early Monday morning following the tragedy a large blood spot, surrounded by a number of smaller spots, at the water cooler near the dressing room on the second floor of the factory. Barrett testified further that he had found a broom nearby which from its appearance evidently had been used to smear the large blood spot over with a white substance.

Barrett testified further that on the same morning he had found strands of hair on the lathe of the machine used by him and that he had called this discovery to the attention of Magnolia Kennedy, Mell Stanford and Lemmie Quinn, and that Quinn had notified Darley. The solicitor developed through Barrett's testimony that no girls had been at the factory since Friday afternoon before the crime, his purpose evidently being to show that the hair must have been that of Mary Phagan. In addition to this testimony, Barrett swore that a few days after the murder he had found in the area near Mary Phagan's machine a portion of a pay envelope. There was nothing on the envelope to positively identify it as having belonged to Mary Phagan.

The fact that blood spots were found in the metal room on the second floor was also established by the state through the testimony of Harry Scott, the Pinkerton detective, and Mell Stanford, an employe of the factory.

Barrett's testimony was decidedly the most important that the state has thus far managed to get before the jury and no doubt will be stressed by the solicitor in support of the state's theory that Mary Phagan met her death in the metal room on the second floor of the factory.

By both Pinkerton Detectives Harry Scott and Barrett the state showed that careful searches had been made of the first floor shortly after the tragedy and that neither a pay envelope, a purse, a bludgeon or stick, had been found there. The prediction has been frequently made that the defense would introduce evidence to show that both Mary Phagan's pay envelope and a bloody bludgeon were found on the first floor by Pinkerton detectives.

NOT THE SAME ENVELOPE.

Whether the defense will introduce the piece of envelope found by the Pinkertons on the first floor of the factory is not known. In the event they do so two pay envelopes will be in evidence. These two pieces are not from the same envelope. This fact was demonstrated by Attorney Frank A. Hooper, who is assisting in the prosecution. After the state can contend that the envelopes are separate and distinct.

Mary Phagan's machine, Mr. Hooper took it and endeavored to fit it with the piece of envelope held by the defense. It did not fit, thus the state can contend that the envelopes are separate and distinct.

It is quite evident that the state will insis[t] that the envelope and bludgeon found by Pinkerton detectives and turned over to the defense are nothing more than "plants."

Monteen Stover, a twelve-wear-old [sic] girl employed at the factory, stated that she had gone to the factory on the Saturday of the murder arriving at 12:05 and leaving at 12:10. She swore that she had gone into the office and that she did not see nor hear anyone in the building. She had gone for her pay.

Scott swore that Frank had told him that he was in his office and did not leave it from 12 to 12:30.

Solicitor Dorsey has begun to weave the chain of circumstantial evidence with which the state expects to convict Frank with the murder. The remainder of the week will most likely be taken up by the state in the introduction of witnesses.

WILL CONLEY BE CALLED?

James Conley, the negro sweeper, who swore that he helped Frank carry the girl's body into the basement and wrote the notes found beside it at Frank's suggestion, may or may not be introduced as a principal witness. The state may hold him back as a rebuttal witness, and there is a slight possibility that he may not be put upon the stand at all.

Throughout the Thursday session of the trial Frank remained as impassive as he has been heretofore. He took a keen interest in the proceedings, but did not display the slightest trace of emotion.

The testimony of Detective Scott was not satisfactory to either the state or the defense. He engaged in frequent clashes with Mr. Rosser while the latter was cross-examining him, but unlike Detective John Black, he never once lost his head.

MANY WOMEN PRESENT.

A number of women were among the early arrivals in the crowd of spectators who surrounded the court house before court convened Thursday morning for the resumption of the Frank trial. The women stood in line for an hour to be among those close to the doors when those portals were opened.

The crowd was admitted at 8:40 o'clock. Leo M. Frank, the accused, had arrived early, as usual, under custody of the sheriff. At 3:55, Mrs. Frank, wife of the accused, joined her husband in an ante-room of the court. Court convened, with Judge Roan on the bench, at 9 o'clock.

J. M. Gantt was recalled to the stand.

"When were you arrested?"

"Monday, April 28, at 11:30 o'clock in Marietta. I was released on Thursday of the following week."

The witness was excused.

SCOTT TAKES STAND.

Harry Scott, assistant superintendent of the Atlanta branch of the Pinkerton detective agency, was called to the stand.

"When did you first see Leo M. Frank?"

"At 4:30 o'clock Monday, April 28, at the National Pencil factory."

"With whom have you worked on this case."

"John Black, city detective of Atlanta."

"By whom were you engaged?"

"By Mr. Frank, representing the National Pencil company."

"Tell all about your engagement."

"I went up to the National Pencil company's factory on request, and saw Mr. Frank standing about where the time clocks are. Accompanied by Mr. Darley and another man, we went back into Mr. Frank's private office for a conference.

FRANK ASKED PROBE.

"He stated that the directors of the company and himself thought that the public demanded an investigation of the horrible crime committed in the factory. He, Frank, had just come from police headquarters, and John Black seemed to suspect him. Then he detailed to me his movements on Saturday. He arrived at the

factory about 8 o'clock. Between 9:30 and 10 o'clock he went to Montag's, and returned to the factory about 11, he said.

"About 12 o'clock Mrs. White came in and went up to the fourth floor where her husband and Harry Denham were working. About 12:10 Mary Phagan came in and he paid her two half dollars and two dimes. She received the money in his private office and when she reached the outer office asked if the metal had come.

"He replied that he didn't know. When she had reached the stairway, he heard voices, but couldn't tell w[h]ether it was a man or two women talking. About 12:50 he went up to the fourth floor and found that White and Denham wanted to work about two hours longer. Mrs. White preceded him down the steps and mentioned that when he came in she had seen a negro sitting behind some boxes on the first floor.

"At 1:10 Frank went to lunch. He returned at 3, and at 4 o'clock Newt Lee reported and was told that he could go out and have a good time for two hours. Lee returned at 6 o'clock and about 6:04 Frank left the factory. On the outside he met J. M. Gantt, a former bookkeeper, who had been discharged […]

PENCIL FACTORY MACHINIST GIVES STARTLING TESTIMONY

[…] for thieving. Frank reached home at 6:25 o'clock and at 6:30 tried to get the night watchman to ask him if Gantt had left. He didn't get him then, but did get him at 7 o'clock. He went to bed about 9:30 o'clock.

SEARCH IN FACTORY.

"After Frank had detailed his movements, said the witness, he and Scott and Darley went through the factory. Darley was the spokesman, pointing out the supposed blood spots, and the point where the hair was said to have been found. From the second floor they went to the basement through the scuttle hole, where Scott saw the place where the body and several objects were found.

Solicitor Dorsey asked Scott if he observed Frank's manner when Frank engaged him.

SCOTT SURPRISES DORSEY.

"Yes, it was perfectly natural and he exhibited no sign of nervousness."

"How did Frank breathe?"

"Between words he seemed to take a deep breath."

Attorney Rosser objected to the question and answer. In reply, the solicitor said he was surprised by the evidence of Detective Scott, and that he had been misinformed as to what his testimony would be. He then asked permission of the court to ask the witness some questions to refresh his memory. This was granted.

"How did his eyes look?"

"They were large and piercing."

The witness said further that Frank sighed several times during the conversation in Frank's private office. Attorney Rosser entered another objection, and said that the answers of Detective Scott were conclusions merely inasmuch as he had never seen Frank before that time.

Scott testified, after looking at Frank in court, that his eyes looked then as they did during the conversation.

"Didn't you say to me—"

Attorney Rosser objected, interrupting. Judge Roan sustained the objection.

"How about his complexion, Mr. Scott," asked Dorsey.

"He was a little pale at that time."

"What pauses did he make in this conversation?"

Attorney Rosser objected, and was sustained.

"How did he give this narrative?"

ANSWER STRICKEN.

"Very specifically as to time."

Attorney Rosser asked that the question and answer mbe [sic] stricken. The details themselves were the best evidence, said he. The answer was a conclusion. Judge Roan sustained the objection.

"What did he state with reference to his movements about the time Mary Phagan entered the factory?"

"He was not very definite. He said she came about 12:10."

"What did he say about having heard anybody talking before she came?"

"I don't remember that he said anything about that."

Solicitor Dorsey asked Judge Roan if he could see the written reports that Scott had made to him to refresh the witness' mind. Attorney Rosser objected, and before there was a ruling on the issue the solicitor asked:

GAVE REPORTS TO DEFENSE.

"Did you not furnish your reports to the defendant?"

"Yes."

Attorney Rosser demanded, "Whom do you mean?"

"To Sig Montag, Herbert Haas and Luther Z. Rosser." Scott added that the reports were sent either by special messenger or by mail.

"Did the Pinkertons furnish reports to counsel?" asked Solicitor Dorsey.

"Yes."

"Reports that they could read?"

"Yes."

The solicitor picked up some papers and asked:

"Is this one of the reports that you furnished to the state?"

"I don't know until I look at my original notes."

The solicitor requested the witness to refer to his original notes. The court permitted this. The witness did so. He started to read his notes. The defense objected. The court sustained the objection, explaining to the witness that while he could refresh his memory from the notes, he could not read the notes aloud to the court, but must give his evidence from his mind as it had been refreshed.

BEFORE GIRL ENTERED FACTORY.

"I now say," continued Detective Scott, "that Frank stated to me that he heard the voices before 12 o'clock."

"Was this before or after Mary Phagan came to the factory?" inquired the solicitor.

"Before."

"What did Frank tell you about the location of the voices?"

"He told me that he thought the voices were near the stairway, although he could not say for certain, as he had remained inside the office himself."

"What did Frank say to you about what happened when he went home that Saturday?"

"He said he went home for luncheon."

DIDN'T SAY HOW LONG.

"Did he say how long he remained there?"

"He did not."

"Did he say whether he ate lunch?"

"No, sir."

"What did Frank say to you on that occasion with reference to Gantt?"

"During the conversation in Frank's office, Frank said to me that Gante [sic] knew Mary Phagan and was familiar and intimate with her."

"Did he tell you how he knew?"

"He did not."

"What, if anything, was said to you by Frank about Gantt's attention to Mary Phagan?"

Attorney Rosser interrupted, declaring "Questions like these grate on my ears like the false notes from a piano."

Judge Roan ruled that it was a leading question and could not be put.

Solicitor Dorsey modified the question.

"Was anything said by Frank about Gantt's attention to Mary Phagan?" he asked.

"Not that I recall," replied Scott.

SAYS HE WAS MISLED.

The solicitor sought to question the witness as to what he, Scott, had told him, the solicitor, on this point. Attorney Rosser objected, declaring that what the witness had told the solicitor was not material.

"Your honor," said the solicitor, "I've been misled on this proposition by the witness. If there ever was a case for a leading question, this is one; and it is entirely within the court's discretion to permit such a question. This witness is a detective. He is in the employ of the defendant. I certainly should be allowed to refresh his memory as to what he told me about his conversation with Frank."

Mr. Rosser made the point that before the solicitor could proceed along this line he must charge that he had been entrapped by the witness. The solicitor did not insist that he had been entrapped, but did maintain that he had been misled on this particular point.

Detective Scott, addressing the solicitor, demanded to know if the solicitor was intimating that he was holding back any evidence.

Solicitor Dorsey addressed his reply to the court.

"I do say, your honor, that I did expect this witness to testify differently on this proposition."

Attorney Rosser renewed his objection, and insisted that before the solicitor could proceed further on his line of questioning he must charge that the witness had entrapped him. The colloquy was suspended until the attorneys on both sides could consult the code.

Mr. Dorsey explained that he was not trying to impeach the witness, but sought to refresh his memory. He claimed the right to ask leading questions.

"He has just had a lapse of memory," said the solicitor. "And I want to read to him notes which I made in his presence about a conversation between us."

Attorney Rosser objected, and Judge Roan sustained him.

"Didn't I make a memoranda in your presence?" asked the solicitor.

DIDN'T READ DORSEY'S NOTES.

"Yes, but I didn't read your memoranda."

"Did Frank discuss the friendliness between Gantt and Mary Phagan?"

"Yes, he said that they were familiar and intimate, and that Gantt paid a good deal of attention to her."

"Do you know when Gantt was arrested?"

"He was at police headquarters when I went down there after the conference with Frank."

"Was any suggestion made to you subsequent to your employment by an attorney of Leo M. Frank relative to your suppression of evidence?"

Mr. Rosser objected immediately. Before Judge Roan ruled, the solicitor withdrew the question. Attorney Rosser demurred. "I'll withdraw the objection," said he.

"About the first week in May," said Scott, "Mr. Pierce and I went to the office of Herbert J. Haas, attorney for Frank, to hold a conference relative to the Pinkerton's position in the investigation. I told him that there was strong suspicion against Frank."

The last sentence was ruled out.

"After a conversation, Mr. Haas said that he would rather we would submit our reports to him before we did to the police. We told him we would get out of the case before we would do that."

"Who did the most talking about your inspection trip through the factory?"

asked the solicitor.

"Darley, but Frank talked some."

BLOOD SPOTS CLIPPED UP?

Scott continued that he saw the place on the floor of the metal room whence the supposed blood spots had been clipped up. Some white substance had been smeared there.

"Are you sure it was a smear or was it a spill?" asked the solicitor.

"It was a smear."

"Did Frank show unusual signs of nervousness that first interview you had with him?"

After objection and argument, the question was allowed.

"He was a little pale and sighed four or five times."

"Was he composed."

"No."

"What happened at the police station Tuesday night in the presence of this defendant?"

"Frank and I were together in a private room when Detective Black came up and said Newt Lee wasn't telling all he knew. At that time I also expressed this same opinion. We asked Frank if he

would go into the private room and talk to Lee as an employer to an employe and see if he couldn't get something out of him. They were together alone for about ten minutes. At the end of that time, Detective Black and I went in. Lee evidently hadn't finished some reply he was making to a question by Mr. Frank. As we entered the room and took seats beside them he said to Frank: ‘It's awful hard for me to be handcu[ff]ed to this chair.' Frank hung his head and said "They've got me, too."

"What was the appearance and deportment of Frank at the police station?"

"He was very nervous. He was squirming in his chair, hung his head, didn't appear to know what to do with his hands, was pale, and sighed heavily."

"How were his eyes then?"

"Just the same as they are now. You can't tell anything by his eyes."

"Did you hear any conversation between Frank and Lee about the punch clock?"

"I have a slight recollection of one Monday afternoon at the police station."

"What did Frank say about that?"

"He said that the first punch Lee made was at 6:33 p. m., and the last one at 3 o'clock. No discrepancy was remarked by Frank then."

"Describe Frank's appearance and deportment on April 29 at 11 a. m., when he was taken into custody."

"We went to the factory and told Frank that he had better go to police headquarters with us. He was trembling and was very pale. He had nothing to say in the automobile on the way to the station house."

"Did you see Mr. Rosser with Frank on Monday previous to Frank's arrest on Tuesday?"

"I did not."

"Illustrate to the jury Frank's manner when Frank stated to Lee ‘Well, they've got me, too.'"

FRANK'S MANNER.

"When Black and I entered the room Lee was just finishing an answer to one of Frank's questions. He was saying: ‘It's awful hard, Mr. Frank, on me. You see, they've got me chained to this chair.' Lee repeated this about three times. Frank hung his head, squirmed in his chair, and holding his hands in the air said, ‘Well, they've got me, too.'"

"Did you see Frank at the jail on Saturday, May 3, 1913."

"I did."

"Did you have any conversation with him then?"

"I did."

"Tell the jury what you said to Frank and what Frank said to you."

"I went to Frank's cell in company with Black. I asked Frank: ‘From the time you went back to the factory from Montag Brothers until you went upstairs where Denham and White were working, did you remain in your office?' ‘Yes,' Frank answered. ‘From the time you got back to the factory until Mary Phagan arrived at 12:10, did you remain in your office?' Frank answered ‘yes.' ‘From 12 noon up to 12:30 of that Saturday, were you in your private office?' Frank answered ‘yes.'"

"Up to this conversation you had with Frank in the jail, had he made any similar statement?"

"No."

"He did tell you that he was in the office all the time from 12 to 12:30 o'clock?"

"Yes."

"Did you have any conversation with Frank as to suspects previous to the offering of rewards?"

"No."

SEARCHING THE FACTORY.

"Did you make any search of the factory immediately after your employment?"

"I did."

"Did you make any search of the area around the elevator and the radiator on the street floor?"

"I did. I made a surface search. I didn't dig into the dirt."

"What did you find?"

"Nothing."

"Did you find a pay envelope, a purse, a ribbon, a bludgeon, a stick, or anything like these?"

"No, sir."

"When did you make this search?"

"Right after I was engaged. I ran the elevator up and down, and examined the scuttle hole or trap hole and ladder."

Attorney Rosser took up the cross-examination.

"You made a report as to what happened between you and Haas, didn't you?" asked Mr. Rosser.

"Yes."

ROSSER'S CROSS-EXAMINATION.

"The report reads something like this, doesn't it? ‘This p. m., H. B. P. and I discussed agency's position. Haas said he wanted murderer caught regardless of who it was.'"

"Yes."

Solicitor Dorsey objected on the ground that a self-serving declaration of an attorney for the defendant was not admissible. Mr. Rosser contended that he had the right to go into the whole conversation. Judge Roan sustained Mr. Rosser.

In the discussion of the matter Mr. Rosser said he wanted to make it clear that at no time had attorneys for the defendant asked that evidence be suppressed. He wanted the witness to answer a question relative to a conversation with him, Rosser. Solicitor Dorsey objected. After some discussion and after he had made the remark "Mr. Dorsey is a little fractious this morning." Mr. Rosser withdrew the question about his conversation, and asked Scott:

"Did Mr. Haas request you to suppress any evidence?"

"No. He said he wanted it submitted to him before it went to the police, and we told him that we could not do that."

SCOTT AND ROSSER TILT.

Scott proved a difficult witness for Mr. Rosser. The detective made frequent and sharp retorts from the witness chair, and comments on Mr. Rosser's tactics is trying to tangle him. Scott's answers were direct and pointed.

Mr. Rosser produced a transcript of the evidence by Scott at the coroner's jury. Mr. Rosser asked Scott if when he was before the coroner's jury be told what Frank had said in relation to Gantt. Scott replied that he did not remember.

"Did you mention this remark by Mr. Frank in your report to the defense?"

"No, because the day I made this report Gantt was released from police headquarters and was regarded no longer as a suspect. It is customary in Pinkerton reports also to mention no names of suspects."

"You didn't testify before the coroner's jury about hearing Frank say ‘They've got me, too,' when he and Lee had their interview, did you?"

"I don't remember whether I did or not."

"You didn't tell the coroner's jury about Frank hanging his head, did you?"

Scott replied that he didn't remember.

Mr. Rosser read from the transcript. "See if this is what you testified before the coroner's jury," he asked. He read a lengthy excerpt from Scott's testimony. It contained neither of these assertions. Scott said he assumed that was what he said before the coroner's jury.

A DIFFERENT WITNESS.

"You should remember, Mr. Rosser," added Scott, "that I was answering only questions that were asked me by the coroner, and that he didn't draw out and cross question me like you and Mr. Dorsey have done."

Mr. Rosser read another excerpt from Scott's testimony before the coroner.

"'I am working for the interests of the pencil factory,'" Mr. Rosser read. "You didn't represent Frank personally, then, did you?"

"I was engaged by Frank."

In reply to a retort by Mr. Rosser, Scott said: "It's impossible for any man to repeat verbatim what he said years ago."

Attorney Rosser took out of a leather case some papers, perhaps notes. "There is some reference to Gantt, there, isn't there?" he asked. "About Gantt knowing Mary Phagan intimately. Did you have these notes when you were writing your reports to me?"

"We never put in the names of suspects," replied Scott.

"When you were before the coroner's jury you didn't say Frank was nervous at the pencil factory, did you?"

Scott said he didn't know—that his testimony there was the same as in court.

"When you were before the coroner, these facts were fresh in your mind, were they not?"

"Yes."

"And you didn't relate them?"

"I wasn't asked. There is something different in telling what you know, and going into detailed sheets."

"Well, let's see about these detailed sheets," said Mr. Rosser, picking up the transcript of testimony by Scott before the coroner's inquest. "I count here, Mr. Scott, ten pages in which you detailed your testimony. In all these ten pages, you only told of two matters, your conversation with Frank, and that evening with Frank and Newt Lee."

"Yes."

"And you didn't state in any of it about this matter? When you were telling about that conversation with Frank, you said nothing about him being nervous?"

"I said he hung his head."

"Let me see," said Mr. Rosser, examining the transcript. "I don't find that you used anything about Frank crossing his legs, putting his hands up, and things of that kind."

"No."

"It was not until three or four weeks ago that you told these things to Dorsey?"

"I told him when Mr. Dorsey asked me the question."

"Then it took ten pages to carry your brief details?"

"I guess Dorsey has a line of attack that the coroner did not have."

"What do you mean by ‘line of attack,' Mr. Scott?"

"Line of questions."

ROSSER'S FAST QUESTIONS.

"And you didn't says a word about Frank putting his hands up to his face?"

"No."

"You are a trained detective?"

"Yes."

"And you make a habit of noticing the appearance and actions of people?"

"Yes."

"And you never told the coroner about this?"

"I've got more sense than to tell all I know at a coroner's inquest."

"Uh-huh!" grunted Mr. Rosser. "Weren't you recalled, Mr. Scott, and asked if you had told all that you knew?"

Solicitor Dorsey interrupted with an objection against Mr. Rosser's method of questioning the witness.

"Your honor, the witness provoked me," said Mr. Rosser. Addressing the witness again, Mr. Rosser asked: "You undertook to tell all you knew at the coroner's inquest?"

"Only in a general way."

"General way, eh?"

"I was not such a fool as to go in with a fine-tooth comb at a preliminary hearing, added Scott.

Mr. Rosser called the court's attention to the manner in which the witness was replaying to his questions. Before he had finished, Solicitor Dorsey was on his feet, making the point that the witness repeatedly had explained to Mr. Rosser why he had not testified everything at the inquest. He had stated that he was not accustomed to give out everything at preliminary hearings, and that he was not asked as to certain facts.

ROSSER CHANGES TACTICS.

Mr. Rosser changed abruptly his line of questioning. He asked the witness if Darley and others were not present when he walked with Frank in Frank's office. They were, answered the witness. They saw and heard all that was said.

"Black was present at the station house when you talked with Frank, was he not?"

"Yes."

"Your agency works with the police, does it not?"

"Yes, on criminal investigations."

"You always hook up with the police and go on down the road with them, don't you?"

"We work in harmony with the police."

"You quit work if you don't agree with the police?"

"We never clash over views."

"Were you in the pencil factory on Sunday morning, April 27?"

"No, it was Monday afternoon about 1:30 o'clock that I first went to the pencil factory."

"Did you testify before the coroner about any blood stains?"

"Yes."

"Let me read you what you said before the coroner's jury. ‘Also to a point about ten feet from the lathe, supposed blood stains had been chipped up from the floor by the police. Did you testify to anything about the white smear over these blood stains?"

"No."

"These original notes of yours—when did you make them?"

"All in Frank's private office on Monday afternoon, April 28."

"On your trip through the factory that afternoon, didn't Darley do some talking?"

"Yes. Both Darley and Frank talked."

"Wasn't it Darley who told you about Gantt being familiar with Mary Phagan?"

"No—it was Frank."

SCOTT ADMITS UNCERTAINTY.

"I simply want to refresh your memory, Mr. Scott. Are you absolutely clear whether you got that statement from Frank or Darley?"

"No, not exactly clear; but Frank did the talking in the office and all the notes were taken in the office."

"Did you take down any notes as you went through the factory?"

"No, I made memoranda later at my office."

Holding up Scott's original notes, Attorney Rosser asked, "Some of these were written at your office?"

"No, all were written at the factory. I'll swear positively to the last word that those notes were taken in Frank's office."

"But you won't be positive whether it was Darley or Frank who made the statement about Gantt being familiar with Mary Phagan?"

"I think it was Frank, but I am not entirely clear. As far as I can recollect, Frank was the spokesman. I only took down what Frank said. Darley may have made some statements."

Mr. Rosser quoted the evidence by Scott at the coroner's inquest and a report made by Scott to him in which he had stated that Frank told Mary Phagan that the metal had not come.

"How is it that you now say Frank answered, ‘I don't know?'"

BLAMES STENOGRAPHER.

"It must be stenographic error," said Scott. "I now swear positively that Frank told me he answered ‘I don't know'"

"It's peculiar that the same error occurred twice," remarked Mr. Rosser.

"Yes, it is," smiled the witness.

"Why didn't you put the Gantt episode in your report to me?"

"Because he had been eliminated from my mind as a suspect when I dictated that report."

"You say now that Frank left the office at 1:10. Why did you say in your report to me that he left at 1?"

"Either I made a mistake or the stenographed did," answered Scott.

Attorney Rosser reverted to Scott's relations with the city police, bringing out the statement from Scott that the police received repor[t]s on his work before his clients did.

Solicitor Dorsey took up the re-direct examination.

"Did your agency report the finding of any ribbons, pay envelopes, or sticks, to the police?"

"I don't know. I was out of town part of the time."

Solicitor Dorsey referred to the Pinkertons' relations to the city police, asking what the Pinkertons did when the facts did not harmonize with the theories of the police.

"We fight it out then and there," Scott answered.

"Did you carry a lantern with you when you went around through the factory?"

"Yes, I held one in my hand."

The solicitor asked Scott to describe his route through the factory on the diagram. Before Scott left the stand, Attorney Rosser asked this question:

"Did you notice any stairway from the basement to the first floor?"

"Yes." The witness pointed to a spot on the diagram, which was not marked, near the boiler in the basement. Solicitor Dorsey asked him to describe that. The witness did, saying it was nailed up when he saw it and was covered with dust and cobwebs.

MONTEEN STOVER ON STAND.

Scott was excused from the stand.

Miss Monteen Stover was called as the next witness.

Miss Stover testified that she is not working anywhere now, but until the Monday preceding the murder of Mary Phagan she worked at the National Pencil factory. On the day of the murder she was in the factory building from 12:05 o'clock until 12:10 o'clock, and that she did not see Frank or anyone else.

"What purpose did you have in going to the factory?"

"To get my pay."

"When do they usually pay?"

"At 12 o'clock on Saturday."

"What part of the factory were you in?" pursued the solicitor.

"Mr. Frank's office."

"Was he there?"

"He was not."

"Did you see anybody at all anywhere in the building?"

"No, sir."

"Did you hear anybody anywhere in the building?"

"No, sir."

Solicitor Dorsey, taking Mary Phagan's parasol as a pointer, went to the diagram hanging on the wall, and pointing to the location of the women's dressing room, asked Miss Stover if the door of it was open or shut.

"I don't know."

"How were you dressed that day?"

"I had on a yellow hat."

"What kind of shoes did you wear?"

"Tennis slippers."

"How far toward the rear of the building did you go?"

"I went as far as the time clock."

"Did you look at the clock?"

"Yes."

LOOKED AT THE CLOCK.

"What time did it register then?"

"The hands stood at 12:05 o'clock."

"What did it register when you went out of the factory?"

"Ten minutes after 12 o'clock."

"Did you see any man's apparel in Frank's office?"

"No, sir."

"Had you ever previously noticed this door of the women's dressing room? Was it usually open or closed?"

The solicitor picked up a paper from his desk and said to the court: "May I show her this affidavit to refresh her memory, your honor?" Attorney Rosser objected. Solicitor Dorsey explained: "I want to show her what she said to me about this door when it was fresher in her memory than it is now."

An argument followed, and Judge Roan called for citation of authorities. The solicitor sent Special Deputy Newt Garner to his office for an authority, turning the witness over to the defense for the interim.

ROSSER TAKES WITNESS.

Attorney Rosser's manner toward the witness was gentle. Her voice was low.

"Did Mr. Frank have one or two offices?"

"There are two offices there."

"How far did you go into the office?"

"Into the outer office far enough to get a full view of the inner office."

"Did you notice several articles of furniture and fixtures in there? Did you notice the safe in the inner office?"

"No, I was looking for a person and didn't notice any of these objects." Miss Stover added that entering the building she went directly to the office, entered the outer office and looked into Frank's private office, sat on a bench outside the outer office for a minute and a half or two minutes, lingered around a little while, and then left.

Attorney Rosser questioned her as to who saw her leave home and who saw her return. Miss Stover gave the names of several people who saw her leave and return.

"You didn't see Miss White or Miss Corinthia Hall that day, did you?"

"No, sir," she replied.

How many times have you talked to the solicitor about this case?"

"Once, and I saw him at the grand jury."

"It's the truth, is it, that sometimes you saw the door of the women's dressing room closed and sometimes open?"

"Yes."

"That's the truth, no matter what kind of an affidavit you made, isn't it?"

"Yes."

Attorney Rosser was through with the cross-examination. Solicitor Dorsey cited his authority for asking permission to show her the affidavit in order to refresh her memory. Judge Roan granted the point to Solicitor Dorsey. The affidavit was shown to her. After she had read it, the solicitor asked:

"Having refreshed your memory, Miss Stover, tell us about that back door?"

"Sometimes it was open, and some times it was closed."

"In what position was it when the factory was not running?"

"Then it was shut."

Mr. Rosser interposed: "You went to the solicitor's office before you went to the grand jury, didn't you?"

"Yes, sir."

IMPORTANT WITNESS.

R. P. Barrett, a machinist at the National Pencil factory, was the next witness. He stated that he had been employed at the pencil factory for about eight weeks before the murder and that he still is employed there. He appeared before the coroner's jury and the grand jury, he said.

Solicitor Dorsey asked the witness what if anything he had seen at the water cooler near the dressing room used by Mary Phagan, on Monday morning, April 28.

"An unusual spot," replied the witness.

"Had you ever seen this spot before?"

"No."

"Did you work at the factory Friday?"

"Yes."

"Was the spot there on Friday?"

"No."

Describe this spot."

"There was a large spot about four or five inches in diameter. There were several little spots just behind it."

"How many of these little spots?"

"About six or eight."

"When did you discover these spots?"

"Between 6:30 and 7 o'clock Monday morning after the murder."

"Of what was this spot?"

BLOOD SPOTS FOUND.

"It was blood."

"Did you notice anything else about it?"

"Yes, there was some white substance over it."

"Do you know what this substance was?"

"I do not."

"Had you ever noticed any white substance like this on the floor before?"

"No."

"Are there any white substances kept on this floor?"

"Yes, potash and hascoline."

"Do you know which it was that was smeared over the spot?"

"No."

"What was the appearance of the spots and the potash and hascoline?"

"The large spot was about four or five inches in diameter. There was a white substance smeared over it. There was nothing on the little spots."

"How had this white substance been applied?"

"By a broom."

"What kind of a broom?"

"A course cane broom."

"Did you find the broom anywhere near these spots?"

"Yes."

"Where?"

"About four or five feet away, leaning up against the wall."

"Was this broom in its regular place?"

"I don't know."

"Do you know whether this broom was there on Friday?"

"I do not."

"What makes you think this white substance was applied with the broom?"

"Because there were large streaks through the blood and the white stuff."

"Did you examine the broom?"

"Yes. It was very dirty."

"Did it show any evidence of having been used?"

"No, I couldn't tell."

"For what was this broom used?"

"To clean up the grease on the floor in the metal department."

"What sort of broom is used for sweeping the floor regularly?"

"A broom with finer straw."

"What else, if anything, did you find in the metal room?"

FOUND STRANDS OF HAIR.

"I found some strands of hair on the handle of the bench lathe where I worked."

"What is the shape of this handle?"

"L-shaped."

"Describe it."

The witness asked for a pencil and a piece of paper. He drew an illustration of the lathe handle."

"Where was the hair?"

"It was hanging over the handle."

Witness indicated where the hair hung, on his pencil sketch.

"Of what material was the handle?"

"Iron."

"Did anyone else see the hair?"

OTHERS SAW THE HAIR.

"Yes—Mell Stanford."

"Was Magnolia Kennedy there?"

"Yes."

"Did she identify this hair?"

Attorney Rosser objected. Solicitor Dorsey insisted, contending that Mr. Rosser had gone into great detail concerning hair; that he had asked many questions of Miss Grace Hix about hair, inquiring the shade of Mary Phagan's hair, that of Magnolia Kennedy, and even went so far as to have the witness point out Mr. Arnold's hair as a sample. Judge Roan ruled that what Magnolia Kennedy said about the hair after the discovery would be hearsay evidence. Solicitor Dorsey remarked: "I just wanted to show, your honor, by this witness, whether Magnolia Kennedy identified the hair." Mr. Rosser interrupted, declaring that only the God of the universe would know whether she identified it—that it was purely a matter of opinion.

Solicitor Dorsey asked the witness, "How far away from the bench lathe where the hair was found, is the gas jet where the girls curled their hair?"

"About ten feet," answered the witness.

The solicitor had the witness locate the machine and the gas jet on the diagram.

"You say the hair was not there Friday?"

"No," said the witness.

"When did you discover it?"

"Monday morning."

"Whose attention did you call to it?"

TOLD QUINN ABOUT IT.

"I called Quinn and Quinn called Darley."

"How do you know that the hair was not there on Friday?"

"Because I used the machine myself up to quitting time."

"When is quitting time?"

"Five thirty p. m."

"Was the factory closed Saturday?"

"Yes."

"Were there any girls working there Saturday?"

"No."

"How far is the nearest lot of hascoline and potash from where the broom and blood were found?"

FOUND PAY ENVELOPE.

"There was a can of hascoline about eight feet away. The potash is in the plating department about twenty or twenty-five feet away."

"What was the color of the smearing?"

"White."

"You found no black stuff around?"

"Nothing but streaks of grease on the floor."

"Did you examine the area around Mary Phagan's machine? If so, when?"

"Yes—the latter part of the week."

"What did you find?"

"I found a piece of a pay envelope under her machine."

The witness said that was between the 28th and 30th of April. On that part of the pay envelope was a mark that looked like it was a part of the letter P or G or F. He gave that to one of the solicitor's attaches. He identified a piece of pay envelope handed to him as the piece which he had found. He found nothing else except filings under that machine.

The envelope could not be seen where he found it, unless a person looking toward it was standing ten or fifteen feet away from the machine. Solicitor Dorsey indicated on the diagram where a bloody stick is supposed to have been found, and asked the witness if he made a search of that area.

The witness said that he did, during the latter part of the week following the tragedy, and that he found no stick, blood, nor part of any pay envelope. Solicitor Dorsey asked the attorneys for the defense if they had in court the bloody stick, said to have been found by the Pinkertons.

The attorneys answered in the negative, saying they could produce it Thursday afternoon. The solicitor announced that he would bring the witness back later.

CAN'T IDENTIFY IT.

Attorney Rosser took up the cross-examination and developed that there was no distinguishing mark on the piece of envelope found by Barrett except the little loop. There was no number, no amount, nor anything like that, to distinguish it from hundreds of others used in the factory.

Barrett testified under cross-examination that he found the hair when he turned the handle of the lathe on Monday morning and the hair caught on his fingers. Barret[t] was positive that the spots which he found were blood spots, although he admitted he had made no chemical analysis.

Mr. Rosser concluded his cross-examination, and Mell Stanford, another employe of the pencil factory, was called to the witness stand.

Stanford declared that on Friday, April 25, he swept the second floor of the pencil factory, including the metal room, and was certain that he swept around the water cooler and by the dressing room. On Monday he was again in the metal room and saw the hascoline smeared on the floor, where it had not been when he swept the metal room between 9 and 10 o'clock Friday morning.

He was certain that a heavy broom had been used for smearing the hascoline. The spots leading from the hascoline smear went back toward the dressing room.

Attorney Arnold took up the cross-examination of the witness, but at 12:25 o'clock, before he could ask a question, Judge Roan ordered a recess of the court until 2 o'clock.

AFTERNOON SESSION.

A number of people remained in the court room throughout the noon recess, preferring to run no risk of losing their seats. A small boy who somehow got past the guards brought a basket of lunch and sold it out in short order.

Leo M. Frank, the accused, and his wife lunched together in one of the rooms adjoining the court.

Some fifty or seventy-five women were in the crowd which entered the court room just before 2 o'clock. [T]hey were more numerous than at the morning session. The number of women attending the trial grows with each session of the court.

At 2 o'clock court re[c]onvened with Mell Stanford in the witness [c]hair, and with Attorney R. R. Arnold conducting the cross-examination.